



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.7.

5/18/2021

Subject:

Board Policy Review, Re: BCC-50, Fee Waivers

Fiscal Impact:

Potentially up to \$5,000 in waived fees per fiscal year.

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners continue Board Policy BCC-50, Fee Waivers.

Summary Explanation and Background:

Pursuant to BCC-31, Sunset Review of Programs, Services, Ordinances, Policies, and Administrative Orders, staff has reviewed BCC-50 and requests continuance of the Policy until May 4, 2024. BCC-31 requires the review of Board Policies every three years to determine if a policy is relevant. BCC-50 is relevant in that it establishes criteria to determine applicant eligibility for waiver of fees of certain rezoning, comprehensive plan amendments, variances, and vested rights applications. There are no significant changes being recommended to the policy.

Board determination of one or more of the following is required:

1. The applicant or organization requesting the fee waiver must be seeking an application to: a.) perform work on behalf of the County; or, b.), perform work determined by the Board to be in the public interest.
2. The applicant requesting the fee waiver must be classified as low-income based on the U.S. Bureau of the Census guidelines.
3. The organization requesting the fee waiver must not have generated over \$75,000 in total revenue per year, as documented by the previous year's tax return, most recent IRS Form 990 available, or other official documentation found acceptable by the County.
4. The Board must determine, in conjunction with an approved vested rights determination, that failure to waive the fee would be highly unjust and inequitable.
5. The fee waiver request should not be for a rezoning to BU-2 (or more intense use) or for a comprehensive plan future land use map amendment to Heavy/Light Industrial.

The Board reserves the right, within its sole discretion, to change the criteria set forth in this Policy and to approve or withdraw a waiver for any reason determined by the Board at any time.

Clerk to the Board Instructions:

Please forward the signed BCC-50 to the County Manager's Office.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

May 19, 2021

M E M O R A N D U M

TO: Frank Abbate, County Manager

RE: Item F.7., Board Policy Review of BCC-50, Fee Waivers

The Board of County Commissioners, in regular session on May 18, 2021, approved the request to continue Board Policy BCC-50, Fee Waivers. Enclosed is the executed Policy.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, reading "Kimberly Powell".

Kimberly Powell, Clerk to the Board

/ns

Encl. (1)

cc: Budget
Finance
Planning and Development



BOARD OF COUNTY COMMISSIONERS

POLICY

Number: BCC-50
Cancels: May 8, 2018
Approved: May 18, 2021
Originator: Planning & Development
Review: May 18, 2024

TITLE: Fee Waivers

I. Objective

To establish criteria to be used in determining applicant eligibility for waiver of fees of certain rezoning applications, comprehensive plan amendments, variances, and vested rights.

II. Board of County Commissioners (Board) Intent

The Board recognizes that circumstances may arise whereby a fee waiver may be justified to:

- Lessen the fiscal impact to a philanthropic or charitable organization;
- Compensate an application designed to benefit the public via a private-sector funded project;
- Offset costs incurred to an application that is delayed by an on-going code amendment being considered by the Board; or
- Reimburse an applicant deemed to be qualified for a vested rights determination.

III. Criteria for Fee Waiver (Board determination of one or more is required)

- A. The person or organization requesting the fee waiver must be seeking an application to: a.) perform the work on behalf of the County; or b.), perform the work determined by the Board to be in the public interest.
- B. The person requesting the fee waiver must be classified as low-income based on the U.S. Bureau of the Census guidelines.
- C. The organization requesting the fee waiver must not have generated over \$75,000 in total revenue per year, as documented by the previous year's tax return, most recent IRS Form 990 available, or other official documentation found acceptable by the County.
- D. The Board must determine, in conjunction with an approved vested rights determination, that failure to waive the fee would be highly unjust and inequitable.


- E. The fee waiver request should not be for a rezoning to BU-2 (or more intense) or for a comprehensive plan future land use amendment to Heavy/Light Industrial.

IV. Reservation of Authority

The authority to issue or revise this policy is reserved to the Board of County Commissioners

ATTEST:



Rachel Sadoff, Clerk

Rita Pritchett, Chair
Board of County Commissioners
Brevard County, Florida
As approved by the Board on May 18, 2021